

04 NCAC 24C .0214 is proposed for amendment as follows:

**04 NCAC 24C .0214 WITHDRAWAL OF APPEAL**

~~(a) An appealing party may withdraw its appeal with the approval of the Appeals Referee.~~

~~(b) An appealing party's request to withdraw its appeal shall be in writing and contain:~~

~~(1) the reason for the request to withdraw the appeal;~~

~~(2) the date of the request;~~

~~(3) the docket or issue identification number of the determination being appealed;~~

~~(4) the claimant's identification number;~~

~~(5) the names of the claimant and employer;~~

~~(6) the name of the individual making the request to withdraw the appeal;~~

~~(7) the official position of an individual filing the request to withdraw the appeal on behalf of the party; and~~

~~(8) a telephone number.~~

~~This request shall be directed to DES's Appeals Section or to the Appeals Referee designated to hear the case, or recorded by the Appeals Referee using the digital recording system used to record hearings in accordance with G.S. 96-15(e).~~

~~(c) Following receipt of a request to withdraw the appeal, the Appeals Referee shall review each reason for the request.~~

(a) The appealing party may request to withdraw an appeal. Any request to withdraw an appeal must be made to the Appeals Referee scheduled to conduct the hearing.

(b) A request to withdraw an appeal may be made in writing or orally.

(1) If the request is made in writing, it shall be made part of the record and include:

(A) the Appeals Docket Number;

(B) the names of parties to the appeal;

(C) the name of the individual making the request, and the individual's job title, if the employer is the requesting party; and

(D) a telephone number where the individual making the request to withdraw may be reached. The written request to withdraw must be made part of the record.

(2) If the request is made orally, it must be recorded by the Appeals Referee using the digital recording system used to record hearings in accordance with G.S. 96-15(c).

~~(d)(c) If a request to withdraw the appeal is approved, granted, the Appeals Referee shall issue an a written order, granting the request to withdraw the appeal. The order shall contain no right to appeal the withdrawal of the appeal.~~

~~(e)(d) If a the request to withdraw the appeal is denied, the Appeals Referee shall notify the requesting party and make an oral ruling on the digital recording system providing the information considered and the reason the request was denied. issue an order denying the request to withdraw the appeal, informing the party of the information~~

1 ~~considered and the reason for the ruling.~~ The order shall contain no right to appeal the denial of the withdrawal of  
2 the appeal.

3 ~~(f)(c) A copy of the party's request to withdraw the appeal and the~~ The Appeal Referee's order granting or denying  
4 the request shall be included in the official record of the case.

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6 *History Note: Authority G.S. 96-4; 96-15;*

7 *Eff. July 1, 2018;*

8 *Amended Eff. June 1, 2022.*